



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN

# DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES  
DIRECTOR

February 9, 2009

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

Transaction: Public Use Deed of State-owned Land  
Roscommon Management Unit – Ogemaw County  
Land Transaction Case #20070099

Applicant: County of Ogemaw, West Branch, Michigan

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Existing Public Use Land to be Quit-Claimed back to the State: Ogemaw County, Foster Township, T23N, R01E, Section 6, E ½ of the NW ¼ of the SE ¼; AND the W ½ of the NE ¼ of the SE ¼. Containing 40 acres more or less.

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State Land Desired by Public Use Deed: Ogemaw County, Foster Township, T23N, R01E, Section 6:  
Commencing at the Southeast corner of Section 6, T23N-R01E; thence S 89° 25' 34" W 1,993.99 feet along the South section line of Section 6; thence N 00° 10' 11" E 1,175.36 feet to the center of County Road "F 28" and the point of beginning; thence N 00° 10' 11" E 34.58 feet to the Northerly Right-Of-Way of County Road "F 28" and a 5/8" bar with P.S. Cap #33981; thence N 00° 10' 11" E 109.59 feet to a 5/8" bar with P.S. Cap #33981; thence N 00° 10' 11" E 919.52 feet to a 5/8" bar with P.S. Cap #33981; thence N 89° 24' 35" E 1,319.91 feet to a 5/8" bar with P.S. Cap #33981; thence S 00° 04' 17" E 919.66 feet to a 5/8" bar with P.S. Cap #33981; thence S 00° 04' 17" E 814.31 feet to the Northerly Right-Of-Way of County Road "F 28" and a 5/8" bar with P.S. Cap #33981; thence S 00° 04' 17" E 39.26 feet to the centerline of County Road "F 28"; thence N 60° 14' 38" W 282.83 feet along the centerline of County Road "F 28"; thence N 60° 17' 51" W 653.56 feet along the centerline of County Road "F 28"; thence Northwest along the centerline of County Road "F 28" on an irregular curve to the left the next five courses N 62° 10' 57" W 165.58 feet; thence N 64° 46' 55" W 103.87 feet; thence N 66° 26' 27" W 106.92 feet; thence N 67° 46' 35" W 105.49 feet; thence N 70° 01' 48" W 80.75 feet to the point of beginning. Containing 42.4 acres more or less.

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NATURAL RESOURCES COMMISSION  
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • J. R. Richardson • Frank Wheatlake

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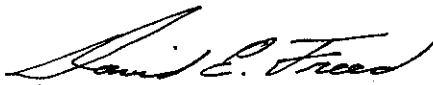
*Great Lakes, Great Times, Great Outdoors!*

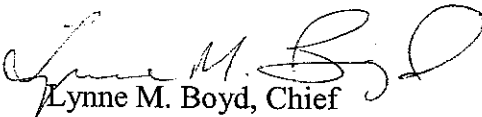
- Restrictions:** A development rights restriction will be placed over the east 450 feet of the desired land, prohibiting the construction and/or placement of buildings, dwellings, houses, residences, cabins, or any barn or other building in connection with a farm operation.
- Mineral Rights:** The State will retain mineral rights.
- Reverter Clause:** The land shall be used solely for public purposes, and when it ceases to be used for such purposes, it shall revert to the State of Michigan.
- Survey Costs:** Applicant to reimburse the Department for \$1,500.00 in survey expenses.
- Authority:** Part 21 of Act 451, Public Acts of 1994, as amended
- Notice:** This item will appear on the Department of Natural Resources' (Department) February 23, 2009 Calendar, and is eligible for approval on March 2, 2009.
- Comments:** The desired 42.4-acre parcel is a part of the Roscommon Management Unit in Ogemaw County, and is located mid-way between Roscommon and West Branch. The Department managed this area as a part of the 1,000-acre Ogemaw State Game Refuge until the late 1950s. At the October 9, 1959 Conservation Commission meeting, a proposal from Ogemaw County was approved whereby the County would receive a Public Use Deed (PUD) for a 40-acre area that all parties believed would contain the refuge buildings.
- A recent boundary survey has determined that the existing PUD area only contains a small portion of the refuge buildings and did not provide for access to the nearby county-maintained road. In order to resolve the discrepancy and satisfy the intent of the original PUD, the County and Department staff have proposed that the County quit-claim its original PUD back to the State and the State convey a PUD for an area that includes all of the refuge buildings and appropriate road frontage. In addition, the County has agreed to reimburse the Department for \$1,500 of its survey costs, and have a development restriction placed on the easterly 450 feet of the new parcel. The intent of the development rights restriction is to prohibit the construction or placement of any new structures within the easterly 450 feet of the subject parcel in order to minimize impacts to hunting due to safety zones.
- The proposed transaction was reviewed by Department staff, and was recommended for approval by the Land Exchange Review Committee on October 25, 2007.
- The desired parcel was acquired by exchange in 1928 and holds tax reversion status.


February 9, 2009


The Mineral and Land Management Section of Forest, Mineral and Fire Management has reviewed this transaction, and determined that it is appropriate for the State to retain the State's mineral rights relative to the desired land.

- Recommendations:
- (1) That the PUD be approved under authority of Part 21, Act 451 of 1994, as amended, with the State reserving a reverter interest, aboriginal antiquities, and mineral rights.
  - (2) That the State deed contain the following statement: The construction or placement of dwellings, houses, residences, cabins, barns, or other buildings within the East 450 feet of the property is prohibited.
  - (3) That the conveyance be subject to Ogemaw County quit-claiming its original PUD back to the State and reimbursing the Department for \$1,500.00 in survey expenses prior to closing.

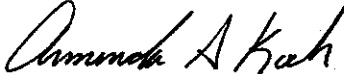
  
David E. Freed, Chief  
Land and Facilities

  
Lynne M. Boyd, Chief  
Forest, Mineral and Fire Management

  
Russ Mason, Chief  
Wildlife

  
Ronald A. Olson, Chief  
Parks and Recreation

  
Kelley D. Smith, Chief  
Fisheries

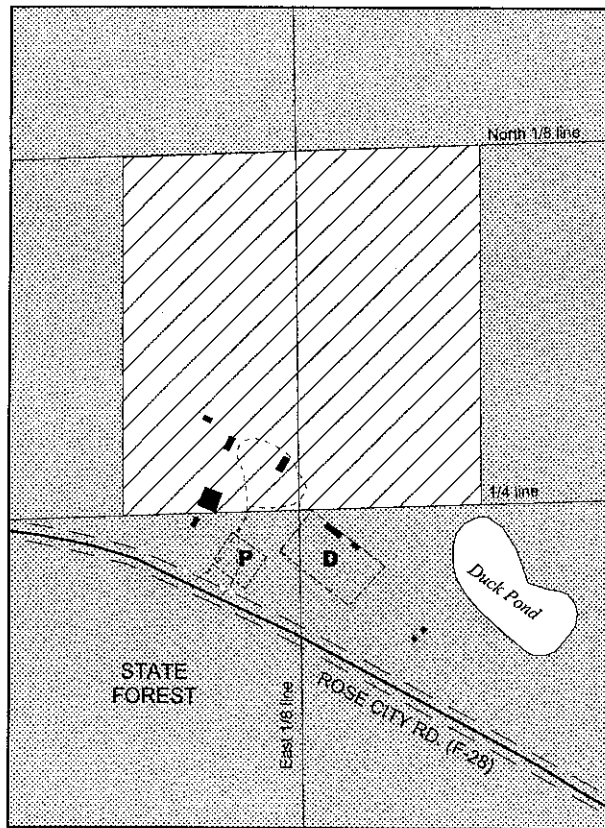
  
Arminda S. Koch  
Resource Management Deputy

I approve the staff recommendations.

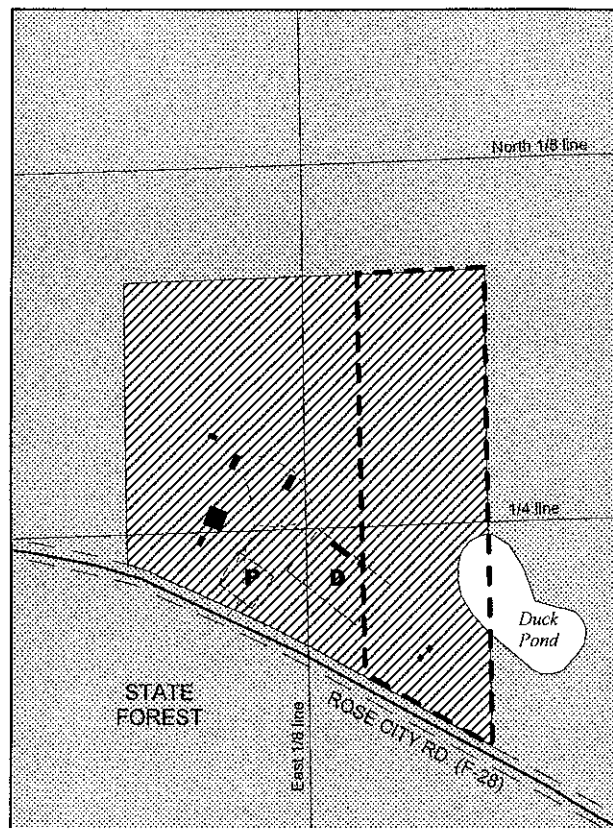
Rebecca A. Humphries  
Director

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Date Approved

**PUBLIC USE DEED OF STATE-OWNED LAND**  
**Roscommon Management Unit - Ogemaw County**  
**Land Transaction Case #20070099**



**ORIGINAL**



**NEW**

Section 6, T23N, R01E, Foster Township

Original public use deed to be quit-claimed to DNR (40.00 acres)

New public use deed desired from DNR (42.00 acres)

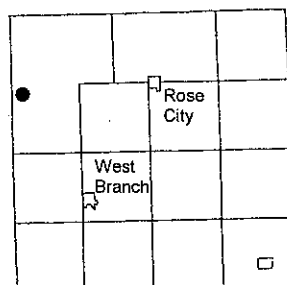
State land

Development rights restrictions

Ogemaw Nature Park buildings

Deer enclosure

Parking area



**OGEMAW COUNTY**



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Commission\_Memos\  
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